

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KNIAJANSKI=1

For: POLYMER COMPOSITION WITH ELASTOMERIC PROPERTIES AT WIDE TEMPERATURE RANGES AND PROCESS FOR THE PREPARATION THEREOF

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Siri

The Applicants are in receipt of the Office Action mailed September 21, 2009, entirely in the nature of a restriction requirement on the basis of purported lack of unity of invention under PCT Rules 13.1 and 13.2.

As Applicants must make an election even though the requirement is traversed, Applicants hereby respectfully and provisionally elect Group I, presently claims 1-19 directed to the polymer composition, with traverse and without prejudice.

The position of the PTO is that the common subject matter between the elected composition and the nonelected method is made obvious by Kang et al U.S. Patent 6,329,459 (Kang), and therefore there is no unity of invention. Applicants respectfully disagree.

In re Appln of Sergei KNIAJANSKI et al
Appln. No.: 10/568,456
Reply to Restriction Requirement dated
October 21, 2009

The polymer composition disclosed in the subject patent application comprises from 15 to 85% by weight of a copolymer containing at least one block from 10 to 5000 mainly syndiotactic structural sequences of monomer units resulting from at least one substituted or unsubstituted vinyl aromatic monomer, and at least one block formed by 10 to 4000 monomer units resulting from at least one dienic monomer having mainly a 1,4-cis structure; from 15 to 85% by weight of a polymer resulting from dienic monomers having a molecular weight between 6000 and 600000, wherein the contents of 1,4-cis monomer units is of at least 90%; and up to 70% of a polymer resulting from substituted or unsubstituted vinyl aromatic monomers having a molecular weight between 10000 and 500000 and a degree of syndiotacticity in terms of syndiotactic pentads of at least 95%. This composition has elastomeric properties at wide temperature ranges.

The composition disclosed by Kang not only contains a block copolymer having syndiotactic poly(vinyl aromatic hydrocarbon) block(s) and rubbery elastomeric block(s) (col. 2, lines 6-11), but also comprises an extender such as a low molecular weight component or an oil extender (col. 2, lines 11-14), which is said to provide the Kang compositions with superior processability, superior heat resistance and weatherability (col. 2, lines 62-64). On the contrary, the composition of the present invention does not need to contain any extender or any additional compatibilizing agent in order to have elastomeric properties.

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Additionally, the composition of the present application has elastomeric properties at wide temperature ranges, including at very low temperatures (-121°F to the degradation temperature of the monomer units resulting from the dienic monomer), while Kang only discloses the use of the Kang composition in high temperature applications, not in low temperature applications.

It should therefore be clear that Kang does not show or make obvious the common subject matter between elected Group I and nonelected Group II, and therefore unity of invention does exist. Accordingly, the requirement should be withdrawn and all the claims should be examined on the merits. Such are respectfully requested.

Respectfully submitted,

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